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13/10 -> O.P. 29.09
13/10 -> amendments O.P. 30.09
02.07.

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this communication:
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REÇU 2 JUIN 2010

Date
28-05-2010

Reference BB 61005	Application No./Patent No. 02737593.0 - 1241 / 1425907
Applicant/Proprietor SCIENTIFIC ATLANTA, INC.	

Summons to attend oral proceedings pursuant to Rule 115(1) EPC

You are hereby summoned to attend oral proceedings arranged in connection with the above-mentioned European patent application.

The matters to be discussed are set out in the communication accompanying this summons (EPO Form 2906).

The oral proceedings, which will not be public, will take place before the Examining Division.

on 13.10.10 at 09.00 hrs, EPO Rijswijk
Patentlaan 3-9, NL-2288 EE Rijswijk (ZH)

No changes to the date of the oral proceedings can be made, except on serious grounds (see OJ EPO 1/2009, 68). If you do not appear as summoned, the oral proceedings may continue without you (R. 115(2) EPC, see also OJ EPO 10/2008, 471).

Your attention is drawn to Rule 4 EPC, regarding the language of the oral proceedings, and to the Special edition No. 3 OJ EPO 2007, L.1., concerning the filing of authorisations for company employees and lawyers acting as representatives before the EPO.

The final date for making written submissions and/or amendments (R. 116 EPC) is 13.09.10.

The actual room number will be given to you by the porter in the foyer at the above EPO address. A waiting room (S00C06) will be available (tel.: 9105, fax: 9110).

Parking is available free of charge in the underground car park (see map enclosed).

1st Examiner:
Sery F

2nd Examiner:
Lakic B

Chairman:
Dockhorn H

For the Examining Division



Verbeek-Verdelhan des Molles, V.

Annexes:
Confirmation of receipt (Form 2936)
Communication (EPO Form 2906)

D3
D4

Datum 28.05.2010
Date
Date

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Anmelde-Nr:
Application No: 02 737 593.0
Demande n°:

The examination is being carried out on the **following application documents**

Description, Pages

1-33 as originally filed

Claims, Numbers

1-30 received on 08-09-2009 with letter of 07-09-2009

Drawings, Sheets

1/31-31/31 as originally filed

1 CITED DOCUMENTS

The following documents are cited by the Examiner (see Guidelines C-VI, 8.2 and 8.3). Copies of the documents are annexed to the communication and the numbering will be adhered to in the rest of the procedure:

D3 WO 96/33579 A1 (IMEDIA CORP [US]) 24 October 1996
(1996-10-24)

D4 US 5 371 551 A (LOGAN JAMES [US] ET AL) 6 December 1994
(1994-12-06)

2 CALL FOR ORAL PROCEEDINGS

- 2.1 The Examining Division has carefully considered the arguments and amendments presented with your communication dated 07.09.2009 but finds that no substantial progress has been made to overcome the outstanding objections and is thus not in a position to grant a patent on the present claims.
- 2.2 In accordance with the applicant's request, oral proceedings are thus to be held during which the matters set out below will be discussed (Art 113(1) EPC) and a decision about the allowability or refusal of the application will be made.
- 2.3 The present claims are such that the requirements set out in the EPC are still contravened at present, in particular with regard to inventive step (Art 56 EPC). The objections to the individual claims are set out in detail below.
- 2.4 Depending upon the applicants' further submissions, other requirements set out in the EPC may become an issue during the oral proceedings.

2.5 In the light of the high expenditure of oral proceedings, the applicants are reminded of the possibility of requesting a "decision according to the state of the file" which is appealable (see Guidelines C - VI, 4.5).

3 LACK OF INVENTIVE STEP OBJECTION

3.1 Document D1 is considered to be the closest prior art to the subject - matter of **claim 1** and discloses (the references in parentheses applying to this document):

A media system (abstract) comprising:

logic configured to provide a user interface that provides a user with a plurality of media content selections (col. 7, l. 37-43; user can select from a library of content) *available at various times* (col. 5, l. 23-26; transfer of content may be immediate or may be deferred); *and*

a portable client media drive (col. 7, l. 14-20; portable program storage) *configured to receive over a secured transmission medium* (col. 9, l. 38-44; content may be encrypted) *the media content selected by the user* (col. 11, l. 62-67; content is transferred to the portable storage medium),

characterised in that the media system further comprises a hard disk drive and memory including a first part of memory and a second part of memory (col. 11, l. 66 to col. 12, l. 2; write circuit may be a disk drive, a memory buffer is implicit in the design of a disk drive system to provide the input and output functions of the drive),

wherein the first part of the memory receives the media content and transfers it to the hard disk drive (col. 11, l. 66 to col. 12, l. 2; de facto function of the input buffer of the disk drive system of the write circuit), *wherein the hard disk drive then transfers the media content to the second part of the memory*, *wherein the second part of the memory transfers the media content to the portable media drive* (col. 11, l. 66 to col. 12, l. 2; de facto function of the output buffer of the disk drive system of the write circuit).

The subject-matter of claim 1 therefore differs from this known D1 in that the input and output functions of the disk drive use separate parts of the memory.

The technical effect of this difference is the possibility to input and output data to and from the drive simultaneously.

The problem to be solved by the present invention may therefore be regarded as how to modify the system of document D1 to improve the efficiency of the data transfer to the portable storage medium.

The use of different buffers, or different parts of a same buffer, for input and output functions of a disk drive to improve data transfer efficiency is well known (see for example document D3, abstract and figure 2, and document D4, abstract and figure 1). Transfer efficiency will be an obvious issue for the implementation of the system of document D1 and, in case of bottlenecking concerns regarding the write circuit, the skilled person will combine the teachings of document D1 with those of documents D3 or D4 to arrive to the solution of claim 1. Claim 1 cannot therefore be seen as involving an inventive step (Article 56 EPC).

- 3.2 The subject matter of claim 15 corresponds to that of claim 1, therefore the same reasoning as given for claim 1 applies mutatis mutandis.
- 3.3 Dependent claims 2 to 14 and 16 to 30 do not appear to contain any additional features which, in combination with the features of any claim to which they refer, meet the requirements of the EPC with respect to novelty and/or inventive step.
 - 3.3.1 Claim 2 discloses a subscriber network television system in electrical communication with the portable media drive and a television. This is disclosed in document D1 (figure 1 and col. 4, l. 14-18).
Since the subject matter of claim 17 corresponds to the subject matter of claim 2 (security is implicit in the cable TV distribution network, see col. 9, l. 38-44), the same reasoning as for claim 2 applies mutatis mutandis.
 - 3.3.2 Claims 3, 4, 18 and 19 disclose standard subscriber network television systems (see document D1 col. 4, l. 56-63).
 - 3.3.3 Claims 5 to 7 and 26 are redundant with respect to new claims 1 and 15.
 - 3.3.4 Claims 8 and 20 further disclose that the user interface is provided by a remote server. This is disclosed in document D1 (col. 7, l. 36-43).
 - 3.3.5 Claims 9 and 21 disclose that the user interface is provided locally. This is disclosed in document D1 (col. 7, l. 58-62).
 - 3.3.6 Claims 10, 16 and 20 disclose access and decryption of secured content. This is disclosed in document D1 (col. 9, l. 39-44).
 - 3.3.7 Claims 11 and 22 disclose that the portable media drive comprises a portable medium. This is disclosed in Document D1 (col. 9, l. 5-8; use of CD-ROM).
 - 3.3.8 Claims 12 and 13 disclose carousel or magazine drives for storage in the portable media drive. The use of such drives for storing A/V data is well known (see for example document D2, col. 4, l. 10-21).

- 3.3.9 Claims 14 and 30 disclose showing the user interface on a television display. This is disclosed in document D1 (col. 6, lines 40-43).
- 3.3.10 Claim 23 discloses that the portable medium is coupled to a local client device. This is disclosed in document D1 (figure 3).
- 3.3.11 Claims 24 and 25 disclose well known types of content distribution devices.
- 3.3.12 Claim 27 discloses that the content is received a rate faster than real-time. This is disclosed in document D1 (col. 5, l. 5-7).
- 3.3.13 Claim 28 discloses receiving content at rates slower than real-time. This is a standard feature for the download of large files such as video files.
- 3.3.14 Claim 29 discloses receiving the content at different times. This is disclosed in document D1 (col. 5, l. 23-24).

4 REVIEW OF APPLICANT'S COMMENTS IN LETTER DATED 16.08.2005

- 4.1 At page 1, third paragraph, of the letter, the applicant questions the statement made in the first communication from the Examining Division that the buffering mechanism described in (previous) claim 8 was standard. The Examining Division has introduced two new documents, D3 and D4, to support that statement and objects to the inventiveness of new claims 1 and 15. A detailed argumentation has been given in sections 3.1 and 3.2 of this communication.

5 CONCLUDING REMARKS

- 5.1 Should the applicants nevertheless regard some particular matter as patentable and wish to avoid Oral Proceedings, they are reminded of the provisions of Rule 116 EPC. Following from this Rule, any submissions made prior to the Oral Proceedings should reach the European Patent Office at the latest before the date indicated in the present Summons for Oral Proceedings.
- 5.2 At the discretion of the Examining Division, any late - filed submissions may be disregarded.
- 5.3 In view of Rule 137(3) furthermore, considerable progress in view of the all of the previous objections is required and the applicants are thus advised to include a detailed argumentation as to why a newly filed independent claim should be considered allowable, clear, and new over the available prior art, and what technical problem is solved in view of the assessment of an inventive step.
- 5.4 In order to facilitate the examination of the conformity of the amended application with the requirements of Article 123(2) EPC, the applicants should clearly identify the amendments carried out, irrespective of whether they

Datum
Date 28.05.2010
Date

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Anmelde-Nr:
Application No: 02 737 593.0
Demande n°:

concern amendments by addition, replacement or deletion, and to indicate the passages of the application as filed on which these amendments are based (see Guidelines E - II, 1).